

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

RYAN JACKSON KIME, M.D.)

Case No. 800-2015-016775

**Physician's and Surgeon's)
Certificate No. A85908)**

**Respondent)
_____)**

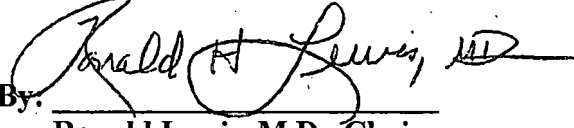
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 27, 2018.

IT IS SO ORDERED March 29, 2018.

MEDICAL BOARD OF CALIFORNIA

By: )
Ronald Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
6 Facsimile: (415) 703-5480

~~Attorneys for Complainant~~

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 800-2015-016775

OAH No. 2017120943

11 **RYAN JACKSON KIME, M.D.**

12 533 Shagbark Street
13 Windsor, CA 95492

14 Physician's and Surgeon's Certificate No. A85908

15 Respondent.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
20 of California. She brought this action solely in her official capacity and is represented in this
21 matter by Xavier Becerra, Attorney General of the State of California, by Lawrence Mercer.

22 2. Respondent Ryan J. Kime, M.D. ("Respondent") is represented in this matter by his
23 attorneys Stephen D. Schear, 2831 Telegraph Avenue, Oakland, CA 94609, and Jenny Huang,
24 180 Grand Avenue, Oakland, CA 94612.

25 3. On or about February 6, 2004 the Medical Board of California issued Physician's and
26 Surgeon's certificate Number A85908 to Ryan J. Kime, M.D. (Respondent). The Physician's and
27
28

1 Surgeon's certificate was in full force and effect at all times relevant to the charges brought herein
2 and will expire on July 31, 2019, unless renewed.

3 **JURISDICTION**

4 4. On January February 28, 2017, Complainant Kimberly Kirchmeyer, in her official
5 capacity as the Executive Director of the Board, filed Accusation No. 800-2015-016775
6 (Accusation) against Respondent. The Accusation was duly served upon Respondent and he
7 timely filed a Notice of Defense. A copy of the Accusation is attached hereto as Exhibit A.

8 **ADVISEMENT AND WAIVERS**

9
10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 800-2015-016775.

12 6. Respondent has carefully read and fully understands the contents, force and effect of
13 this Stipulated Settlement and Disciplinary Order, and has fully reviewed and discussed same
14 with his attorney of record.

15 7. Respondent is fully aware of his legal rights in this matter including his right to a
16 hearing on the charges and allegations contained in Accusation No. 800-2015-016775, his right to
17 present witnesses and evidence and to testify on his own behalf, his right to confront and cross-
18 examine all witnesses testifying against him, his right to the issuance of subpoenas to compel the
19 attendance of witnesses and the production of documents, his right to reconsideration and court
20 review of an adverse decision, and all other rights accorded him pursuant to the California
21 Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable
22 laws, having been fully advised of same by his attorney of record. Respondent, having the benefit
23 of counsel hereby knowingly, intelligently, freely and voluntarily waives and gives up each and
24 every one of the rights set forth and/or referenced above.
25
26

27 //

CULPABILITY

8. Respondent agrees that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Paragraph 11 and Paragraph 13, line 9, of Accusation No. 800-2015-016775 and that he has thereby subjected his Physician's and Surgeon's Certificate to disciplinary action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

9. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including electronic PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3

4

5

6

7

8

9

10

11

12

13

14

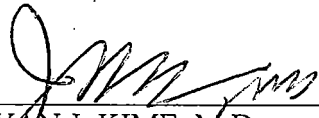
15

1 In consideration for his agreement to complete the education course, as set forth above,
2 Respondent shall be publicly reprimanded as set forth in the public letter of reprimand, as set
3 forth above in Paragraph 11(A).

4
5 ACCEPTANCE

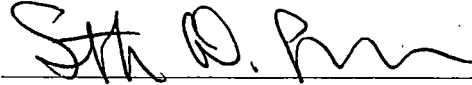
6 I, RYAN J. KIME, M.D., have carefully read this Stipulated Settlement and
7 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently
8 and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate No.
9 A85908. I fully understand that, after signing this stipulation, I may not withdraw from it, that it
10 shall be submitted to the Medical Board of California for its consideration, and that the Board
11 shall have a reasonable period of time to consider and act on this stipulation after receiving it. By
12 entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall
13 be publically reprimanded by the Board and shall be required to comply with the terms and
14 conditions of the Disciplinary Order set forth above. I, also, fully understand that any failure to
15 comply with the terms and conditions of the Disciplinary Order set forth above shall constitute
16 unprofessional conduct and that my Physician's and Surgeon's Certificate No. A85908 will be
17 subject to further disciplinary action.

18 Dated:

 1/26/18
RYAN J. KIME, M.D.
Respondent

21 I have read and fully discussed with Respondent RYAN J. KIME, M.D. the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24
25 Dated: 1/26/18


STEPHEN D. SCHEAR,
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulation is respectfully submitted for consideration by the Medical Board of California, Department of Consumer Affairs.

Dated:

1/26/2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

SF2017202674
41922366.doc

Exhibit A

Accusation No. 800-2015-016775

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO FEBRUARY 28 2017
BY *[Signature]* ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-016775

13 **RYAN JACKSON KIME, M.D.**
14 **533 Shagbark Street**
15 **Windsor, CA 95492-8143**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A85908,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

- 21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California.
23 2. On or about February 6, 2004, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A85908 to Ryan Jackson Kime, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on July 31, 2017, unless renewed.

27 //

28 //

//

1
2 **JURISDICTION**

3 3. This Accusation is brought before the Board, under the authority of the following
4 laws. All section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 2234 of the Code, states:

10 "The board shall take action against any licensee who is charged with unprofessional
11 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
12 limited to, the following:

13 "... (b) Gross negligence."

14 "(c) Repeated negligent acts ..."

15 **CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct/Gross Negligence/Repeated Negligent Acts)**

17 6. Respondent Ryan Jackson Kime, M.D. is subject to disciplinary action under section
18 2234 and/or 2234(b) and/or 2234(c) in that Respondent engaged in unprofessional conduct and/or
19 was grossly negligent and/or committed repeated negligent acts in the course of his duties as an
20 Emergency Room physician. The circumstances are as follows:

21 7. At all relevant times, Respondent was a physician specializing in Emergency
22 Medicine, employed by Acute Medical Providers, Inc., and on the medical staff at St. Helena
23 Hospital Clearlake.

24 8. On and before August 7, 2015, Respondent had exhibited inappropriate and disruptive
25 behavior in the Emergency Department (ED), resulting in complaints from hospital personnel. In
26 a letter dated August 27, 2014, the Chief of Emergency Medicine advised Respondent that "staff
27 and associated personnel feel intimidated, emotionally assaulted, 'dressed down in front of peers',
28 and fearful of your angry outbursts." Enclosed with the letter was a letter of complaint received

1 from the Lake County Fire Protection District, which stated that Respondent was creating a
2 "hostile work environment" for Emergency Medical Service employees. Respondent was asked
3 to complete an anger management course, at his own expense, within four months. In a reply,
4 Respondent acknowledged "a pattern of behavior that is producing negative consequences for
5 me" and agreed to complete an anger management program. He completed the program offered
6 by the faculty at UC San Diego School of Medicine on January 9, 2015.

7 9. Respondent continued to exhibit unprofessional behavior in the ED. On July 1, 2015,
8 the Director of Medical Staff advised him that there had been staff complaints about his use of
9 profanity in communications with staff members and he was asked to curb this behavior.

10 10. On August 7, 2015, a forest fire left St. Helena Hospital Clearlake without power
11 during the first few hours of Respondent's shift, from 1845 hours until approximately 2230 hours.
12 Respondent determined that the Emergency Department should be on diversion, i.e. that incoming
13 patients should be directed to other hospitals in the area. He communicated this opinion to
14 hospital administration and staff members, who assured him that the power would be restored,
15 that placing the ED on diversion was unnecessary and that he did not have authorization to take
16 this action unilaterally. According to reports from hospital personnel, Respondent became angry,
17 insisted that the ED be on diversion and called his girlfriend, a nurse on the ICU, to the ED to
18 assist him in placing the ED on diversion. He was described as storming around the ED and
19 disrupting patient care -- including calling a Code Blue on a patient who was not in cardiac arrest
20 and thereby diverting nursing staff from caring for other patients -- and either refusing to see
21 patients or causing patients to be sent away.

22 11. At or about 2114 hours, an ambulance arrived with a patient who was complaining of
23 acute chest pain. While EMS personnel were wheeling the gurney into the ED, Respondent
24 advised them that the hospital was on diversion and the patient would have to be transported to
25 another hospital. Respondent did not perform a medical screening of the patient before sending
26 the ambulance to Sutter Lakeside Hospital in Lakeport.

27 12. At approximately 0530 hours, Respondent was advised that an ambulance was being
28 dispatched to a call of abdominal pain. When the patient arrived, Respondent was not in the ED

1 and nursing staff was told to order labs. The oncoming ED physician later provided a statement
2 that at the beginning of his shift he found there to be two patients who had been waiting 60-90
3 minutes to be evaluated. The oncoming physician found one of the patients to be in "frank
4 hemoperitoneum - a true emergency" and he spent the next hour evaluating and treating the
5 patient. Respondent denied being aware that the patient was in the ED or that he was responsible
6 for the delay in evaluation and diagnosis of this critical patient.

7 13. At the end of his shift on the morning of August 8, Respondent returned briefly to the
8 ED. He did not see the two patients or any other patients before he left the hospital. As he was
9 leaving, Respondent "flipped off" the ED staff who were present and stated he would not be back.

10 14. Respondent was suspended and subsequently terminated as a member of the medical
11 staff at St. Helena Hospital Clearlake.

12 15. Respondent is guilty of unprofessional conduct and Respondent's license is subject to
13 discipline for violation of Business and Professions Code sections 2234 and/or 2234(b) and/or
14 2234(c) including, but not limited to the following:

15 A. On and before August 7-8, 2015, Respondent engaged in behaviors unbecoming a
16 member in good standing of the medical profession, was angry, disruptive and inattentive to his
17 obligation to make the patients' welfare his paramount concern;

18 B. Respondent made a misrepresentation that the hospital was on diversion;

19 C. Respondent diverted an incoming patient to another hospital without a medical
20 screening examination.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

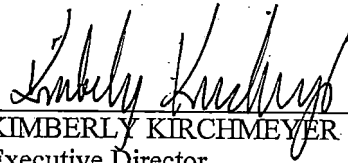
24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A85908,
25 issued to Ryan Jackson Kime, M.D.;

26 2. Revoking, suspending or denying approval of Ryan Jackson Kime, M.D.'s authority to
27 supervise physician assistants, pursuant to section 3527 of the Code;

1 3. Ordering Ryan Jackson Kime, M.D., if placed on probation, to pay the Board the
2 costs of probation monitoring; and

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: February 28, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

6
7
8
9 SF2017202674
10 41701908.doc
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28